

**UNITED STATES BANKRUPTCY COURT
DISTRICT OF MINNESOTA**

In re:

James Michael Minier, a/k/a Mike Minier
and Dottie Lynn Minier, f/k/a Dottie Hensel

Chapter 7

Debtors.

BK 03-51242 GFK

Habbo G. Fokkena, United States Trustee,

Plaintiff,

James Michael Minier, and
Dottie Lynn Minier,

**ANSWER AND RESPONSE
COMPLAINT TO REVOKE DISCHARGE**

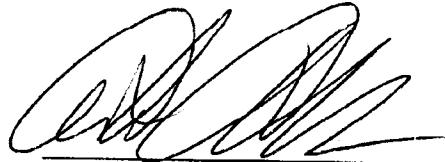
Defendants.

Adv. No. 04-5014

Debtors herein, James Michael Minier and Dottie Lynn Minier, for their answer and response to complaint of the United States Trustee as follows:

1. Admits paragraphs number 1, 2, 3, 4, 5, 6, 7, & and 9 of plaintiff's complaint.
2. Deny both paragraphs numbered 8 of plaintiff's complaint and alleged that Defendants did provide and transmit said information and were without knowledge that said transmission failed. To the best of Defendant's knowledge they had complied with the Courts order and requirements.

WHEREFORE, defendants pray that the relief sought by the Plaintiff be denied.



Arthur M. Albertson, AIN 863
Attorney for Michael and Dottie Minier
101 West Second Street, Ste 107
Duluth, MN 55802

Dated: April 8, 2004

(218) 733-0660

**UNITED STATES BANKRUPTCY COURT
DISTRICT OF MINNESOTA**

In Re:

James Michael Minier, and
Dottie Lynn Minier,

Debtors.

**AFFIDAVIT OF
ARTHUR M. ALBERTSON**

Court File Number 03-51242

STATE OF MINNESOTA)
) ss.
COUNTY OF ST. LOUIS)

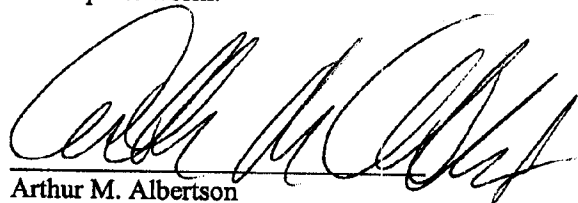
Affiant, first being duly sworn, under oath deposes and states as follows, to-wit:

1. That he is the attorney for the debtors herein, Michael and Dottie Minier.
2. That pursuant to the request of the Trustee on Behalf of Creditors, Mr. Robert Kanuit, Affiant prepared or obtained the attached Amended Schedules A, D & G, and the Debtors' 2001 & 2002 Income Tax Schedule C for the basis of their explanation of the income and expenses of Michael's logging business.
3. That Affiant clearly recalls faxing the same to Mr. Kanuit's office on January 5, 2004, but can not recall checking whether the transmission was successful. Affiant, in the normal course of business does usually check for the completion of the transmission. When checking with Mr. Kanuit on April 5th, he checked his file and stated that he did not have any such fax in his file.
4. To make matters worse, Affiant also recalls e-filing a copy with the Bankruptcy Court, but there is no such filing on the Debtor's site. Affiant is fairly certain that this was filed because he received a phone call from the Bankruptcy Court Clerk telling him that it was

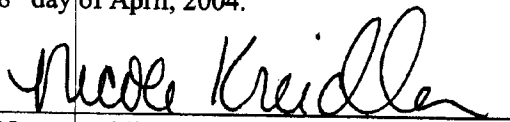
necessary to file a Certificate of Mailing of the Schedule A on all of the creditors because it involved real property.

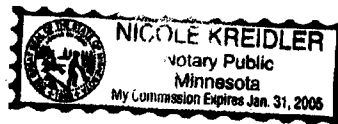
5. When Affiant received the January 7th Order Compelling Turnover, Affiant assumed that this was issued automatically because Affiant had provided the material so close to the Court date.
6. In summary Affiant states that he thought the necessary information had been turned over to Mr. Kanuit, and did not intend to fail or refuse to provide the information.
7. Affiant can not check either the fax log nor his file as he keeps his files stored digitally on his computer. These files as well as his fax log, were lost approximately ten days ago when Affiant lost his hard drive as a result of a computer worm.

FURTHER AFFIANT SAYETH NOT


Arthur M. Albertson

Subscribed and Sworn to before me this
8th day of April, 2004.


Notary Public



In re **JAMES MICHAEL MINIER,
DOTTIE LYNN MINIER**

Case No. _____

Debtors

SCHEDULE A - REAL PROPERTY - AMENDED

Except as directed below, list all real property in which the debtor has any legal, equitable, or future interest, including all property owned as a cotenant, community property, or in which the debtor has a life estate. Include any property in which the debtor holds rights and powers exercisable for the debtor's own benefit. If the debtor is married, state whether husband, wife, or both own the property by placing an "H," "W," "J," or "C" in the column labeled "Husband, Wife, Joint, or Community." If the debtor holds no interest in real property, write "None" under "Description and Location of Property."

Do not include interests in executory contracts and unexpired leases on this schedule. List them in Schedule G - Executory Contracts and Unexpired Leases.

If an entity claims to have a lien or hold a secured interest in any property, state the amount of the secured claim. (See Schedule D.) If no entity claims to hold a secured interest in the property, write "None" in the column labeled "Amount of Secured Claim."

If the debtor is an individual or if a joint petition is filed, state the amount of any exemption claimed in the property only in Schedule C - Property Claimed as Exempt.

Description and Location of Property	Nature of Debtor's Interest in Property	Husband, Wife, Joint, or Community	Current Market Value of Debtor's Interest in Property, without Deducting any Secured Claim or Exemption	Amount of Secured Claim
REAL ESTATE LOCATED IN ST LOUIS COUNTY, STATE OF MINNESOTA, LEGALLY DESCRIBED AS FOLLOWS, TO-WIT: THE NORTHERLY SIX HUNDRED SIXTY FEET OF THE EASTERLY THREE HUNDRED THIRTY FEET (NLY 660' OF ELY 330') OF THE NORTHEAST QUARTER OF THE NORTHWEST QUARTER (NE1/4 OF NW 1/4), SECTION SEVENTEEN (17) TOWNSHIP SIXTY (60), RANGE FOURTEEN (14).	ONE HALF FEE SIMPLE WITH SHERRIE BLOCKER OWNING ONE-HALF	J	11,500.00	13,500.00

Sub-Total > 11,500.00 (Total of this page)

Total > 11,500.00

(Report also on Summary of Schedules)

0 continuation sheets attached to the Schedule of Real Property

In re **JAMES MICHAEL MINIER,
DOTTIE LYNN MINIER**

Case No. _____

Debtors

SCHEDULE D - CREDITORS HOLDING SECURED CLAIMS - AMENDED

State the name, mailing address, including zip code, and account number, if any, of all entities holding claims secured by property of the debtor as of the date of filing of the petition. List creditors holding all types of secured interests such as judgment liens, garnishments, statutory liens, mortgages, deeds of trust, and other security interests. List creditors in alphabetical order to the extent practicable. If all secured creditors will not fit on this page, use the continuation sheet provided.

If any entity other than a spouse in a joint case may be jointly liable on a claim, place an "X" in the column labeled "Codebtor," include the entity on the appropriate schedule of creditors, and complete Schedule H - Codebtors. If a joint petition is filed, state whether husband, wife, both of them, or the marital community may be liable on each claim by placing an "H," "W," "J," or "C" in the column labeled "Husband, Wife, Joint, or Community."

If the claim is contingent, place an "X" in the column labeled "Contingent." If the claim is unliquidated, place an "X" in the column labeled "Unliquidated." If the claim is disputed, place an "X" in the column labeled "Disputed." (You may need to place an "X" in more than one of these three columns.)

Report the total of all claims listed on this schedule in the box labeled "Total" on the last sheet of the completed schedule. Report this total also on the Summary of Schedules.

☐ Check this box if debtor has no creditors holding secured claims to report on this Schedule D.

CREDITOR'S NAME AND MAILING ADDRESS, INCLUDING ZIP CODE	C O D E B T O R H W J C	Husband, Wife, Joint, or Community	DATE CLAIM WAS INCURRED, NATURE OF LIEN, AND DESCRIPTION AND MARKET VALUE OF PROPERTY SUBJECT TO LIEN	C O N T I N G E N T	U N L I Q U I D A T E D	D I S P U T E D	AMOUNT OF CLAIM WITHOUT DEDUCTING VALUE OF COLLATERAL	UNSECURED PORTION IF ANY
Account No. 64000394 AMERICAN STAT BANK OF THE NORT PO BOX 446 COOK, MN 55723	X	J	MORTGAGE REAL ESTATE LOCATED IN ST LOUIS COUNTY, STATE OF MINNESOTA, LEGALLY DESCRIBED AS FOLLOWS, TO-WIT: Value \$ 11,500.00				13,500.00	2,000.00
Account No. 621005 BOUNDARY WATERS PO BOX 809 ELY, MN 55731		J	1970 JOHN DEERE SKIDDER, MODEL #4401 SN 098996T 1975 TREEFARMER SHEAR, MODEL VULCAN SN 5581-001 Value \$ 12,500.00				12,960.00	460.00
Account No. STEELWORKERS CREDIT UNION 29 CHAPMAN ST E ELY, MN 55731		J	PURCHASE MONEY 1976 TIMBERJACK SKIDDER 240D Value \$ 13,000.00				10,000.00	0.00
Account No. 			 Value \$					
0 continuation sheets attached							Subtotal (Total of this page)	36,460.00
							Total (Report on Summary of Schedules)	36,460.00

In re JAMES MICHAEL MINIER,
DOTTIE LYNN MINIER

Case No. _____

Debtors

SCHEDULE G - EXECUTORY CONTRACTS AND UNEXPIRED LEASES - AMENDED

Describe all executory contracts of any nature and all unexpired leases of real or personal property. Include any timeshare interests. State nature of debtor's interest in contract, i.e., "Purchaser," "Agent," etc. State whether debtor is the lessor or lessee of a lease. Provide the names and complete mailing addresses of all other parties to each lease or contract described.

NOTE: A party listed on this schedule will not receive notice of the filing of this case unless the party is also scheduled in the appropriate schedule of creditors.

☐ Check this box if debtor has no executory contracts or unexpired leases.

Name and Mailing Address, Including Zip Code, of Other Parties to Lease or Contract	Description of Contract or Lease and Nature of Debtor's Interest. State whether lease is for nonresidential real property. State contract number of any government contract.
FORD MOTOR CREDIT FORD CREDIT PO BOX 64400 COLORADO SPRINGS, CO 80962-4440	LEASE OF 2001 FORD F-150 PICKUP. LEASE PAYMENTS OF \$550

0 continuation sheets attached to Schedule of Executory Contracts and Unexpired Leases

SCHEDULE C
(Form 1040)

Department of the Treasury
Internal Revenue Service (99)

Profit or Loss From Business

(Sole Proprietorship)

► Partnerships, joint ventures, etc., must file Form 1065 or Form 1065-B.
► Attach to Form 1040 or Form 1041. ► See instructions for Schedule C (Form 1040).

OMB No. 1545-0074

2001

Attachment
Sequence No. **09**

Name of proprietor

MICHAEL MINIER

Social security number (SSN)

469-94-2998

A Principal business or profession, including product or service (see page C-1 of the instructions)

LOGGING

B Enter code from pages C-7 & 8

999999

C Business name. If no separate business name, leave blank.

D Employer ID number (EIN), if any

E Business address (including suite or room no.) ►

City, town or post office, state, and ZIP code

F Accounting method: (1) ☒ Cash (2) ☐ Accrual (3) ☐ Other (specify) ►

G Did you "materially participate" in the operation of this business during 2001? If "No," see page C-2 for limit on losses . . . ☒ Yes ☐ No

H If you started or acquired this business during 2001, check here . . . ☒

Part I Income

1 Gross receipts or sales. Caution: If this income was reported to you on Form W-2 and the "Statutory employee" box on that form was checked, see page C-2 and check here	<input type="checkbox"/>	1	27,193
2 Returns and allowances		2	
3 Subtract line 2 from line 1		3	27,193
4 Cost of goods sold (from line 42 on page 2)		4	
5 Gross profit. Subtract line 4 from line 3		5	27,193
6 Other income, including Federal and state gasoline or fuel tax credit or refund (see page C-3)		6	
7 Gross income. Add lines 5 and 6		7	27,193

Part II Expenses. Enter expenses for business use of your home **only** on line 30.

8 Advertising	8		19 Pension and profit-sharing plans	19	
9 Bad debts from sales or services (see page C-3)	9		20 Rent or lease (see page C-4):		
10 Car and truck expenses (see page C-3)	10	4,719	a Vehicles, machinery, and equipment	20a	
11 Commissions and fees	11		b Other business property	20b	
12 Depletion	12		21 Repairs and maintenance	21	3,523
13 Depreciation and section 179 expense deduction (not included in Part III) (see page C-3)	13		22 Supplies (not included in Part III)	22	
14 Employee benefit programs (other than on line 19)	14		23 Taxes and licenses	23	
15 Insurance (other than health)	15	575	24 Travel, meals, and entertainment:		
16 Interest:			a Travel	24a	
a Mortgage (paid to banks, etc.)	16a		b Meals and entertainment		
b Other	16b		c Enter nondeductible amount included on line 24b (see page C-5)		
17 Legal and professional services	17		d Subtract line 24c from line 24b	24d	
18 Office expense	18		25 Utilities	25	
28 Total expenses before expenses for business use of home. Add lines 8 through 27 in columns			26 Wages (less employment credits)	26	
			27 Other expenses (from line 48 on page 2)	27	18,118
				28	26,935

29 Tentative profit (loss). Subtract line 28 from line 7	29	258
30 Expenses for business use of your home. Attach Form 8829	30	
31 Net profit or (loss). Subtract line 30 from line 29.		
<ul style="list-style-type: none"> • If a profit, enter on Form 1040, line 12, and also on Schedule SE, line 2 (statutory employees, see page C-5). Estates and trusts, enter on Form 1041, line 3. • If a loss, you must go on to line 32. 	31	258
32 If you have a loss, check the box that describes your investment in this activity (see page C-6).		
<ul style="list-style-type: none"> • If you checked 32a, enter the loss on Form 1040, line 12, and also on Schedule SE, line 2 (statutory employees, see page C-5). Estates and trusts, enter on Form 1041, line 3. • If you checked 32b, you must attach Form 6198. 	32a <input type="checkbox"/> All investment is at risk. 32b <input type="checkbox"/> Some investment is not at risk.	

For Paperwork Reduction Act Notice, see Form 1040 instructions.

EEA

Schedule C (Form 1040) 2001

Name(s)

MICHAEL MINIER

SSN

469-94-2998

Part III Cost of Goods Sold (see page C-6)

33	Method(s) used to value closing inventory: a <input type="checkbox"/> Cost b <input type="checkbox"/> Lower of cost or market c <input type="checkbox"/> Other (attach explanation)	
34	Was there any change in determining quantities, costs, or valuations between opening and closing inventory? If "Yes," attach explanation	<input type="checkbox"/> Yes <input type="checkbox"/> No
35	Inventory at beginning of year. If different from last year's closing inventory, attach explanation	35
36	Purchases less cost of items withdrawn for personal use	36
37	Cost of labor. Do not include any amounts paid to yourself	37
38	Materials and supplies	38
39	Other costs	39
40	Add lines 35 through 39	40
41	Inventory at end of year	41
42	Cost of goods sold. Subtract line 41 from line 40. Enter the result here and on page 1, line 4.	42

Part IV Information on Your Vehicle. Complete this part **only** if you are claiming car or truck expenses on line 10 and are not required to file Form 4562 for this business. See the instructions for line 13 on page C-3 to find out if you must file.

43	When did you place your vehicle in service for business purposes? (month, day, year) ▶	01-01-2001
44	Of the total number of miles you drove your vehicle during 2001, enter the number of miles you used your vehicle for:	
a	Business	13,678
b	Commuting	
c	Other	
45	Do you (or your spouse) have another vehicle available for personal use?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
46	Was your vehicle available for personal use during off-duty hours?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
47 a	Do you have evidence to support your deduction?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
b	If "Yes," is the evidence written?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No

Part V Other Expenses. List below business expenses not included on lines 8-26 or line 30.

TRUCKING	13,597
FUEL AND LUBE	4,123
PHONE	398
48 Total other expenses. Enter here and on page 1, line 27.	18,118

EEA

Schedule C (Form 1040) 2001

SCHEDULE C
(Form 1040)

Profit or Loss From Business
(Sole Proprietorship)

OMB No. 1545-0074

2002

Department of the Treasury
Internal Revenue Service (99)

► Partnerships, joint ventures, etc., must file Form 1065 or Form 1065-B.
► Attach to Form 1040 or Form 1041. ► See instructions for Schedule C (Form 1040).

Attachment
Sequence No. **09**

Name of proprietor MICHAEL MINIER		Social security number (SSN) 469-94-2998
A Principal business or profession, including product or service (see page C-1 of the instructions) LOGGING		B Enter code from pages C-7, 8 & 9 ► 999999
C Business name. If no separate business name, leave blank.		D Employer ID number (EIN), if any
E Business address (including suite or room no.) ► City, town or post office, state, and ZIP code		
F Accounting method: (1) <input checked="" type="checkbox"/> Cash (2) <input type="checkbox"/> Accrual (3) <input type="checkbox"/> Other (specify) ►		
G Did you "materially participate" in the operation of this business during 2002? If "No," see page C-3 for limit on losses . . . <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No		
H If you started or acquired this business during 2002, check here . . . <input checked="" type="checkbox"/>		

Part I Income

1 Gross receipts or sales. Caution: If this income was reported to you on Form W-2 and the "Statutory employee" box on that form was checked, see page C-3 and check here . . . <input type="checkbox"/>	1	45,548
2 Returns and allowances	2	
3 Subtract line 2 from line 1	3	45,548
4 Cost of goods sold (from line 42 on page 2)	4	
5 Gross profit. Subtract line 4 from line 3	5	45,548
6 Other income, including Federal and state gasoline or fuel tax credit or refund (see page C-3)	6	
7 Gross income. Add lines 5 and 6	7	45,518

Part II Expenses. Enter expenses for business use of your home **only** on line 30.

8 Advertising	8		19 Pension and profit-sharing plans	19	
9 Bad debts from sales or services (see page C-3)	9		20 Rent or lease (see page C-5):		
10 Car and truck expenses (see page C-3)	10	7,770	a Vehicles, machinery, and equipment	20a	
11 Commissions and fees	11		b Other business property	20b	
12 Depletion	12		21 Repairs and maintenance	21	6,255
13 Depreciation and section 179 expense deduction (not included in Part III) (see page C-4)	13		22 Supplies (not included in Part III)	22	
14 Employee benefit programs (other than on line 19)	14		23 Taxes and licenses	23	
15 Insurance (other than health)	15		24 Travel, meals, and entertainment:		
16 Interest:			a Travel	24a	
a Mortgage (paid to banks, etc.)	16a		b Meals and entertainment		
b Other	16b	1,369	c Enter nondeductible amount included on line 24b (see page C-5)		
17 Legal and professional services	17	150	d Subtract line 24c from line 24b	24d	
18 Office expense	18	64	25 Utilities	25	
28 Total expenses before expenses for business use of home. Add lines 8 through 27 in columns	28		26 Wages (less employment credits)	26	
			27 Other expenses (from line 48 on page 2)	27	30,262
				28	45,870

29 Tentative profit (loss). Subtract line 28 from line 7	29	(322)
30 Expenses for business use of your home. Attach Form 8829	30	
31 Net profit or (loss). Subtract line 30 from line 29. • If a profit, enter on Form 1040, line 12, and also on Schedule SE, line 2 (statutory employees, see page C-6). Estates and trusts, enter on Form 1041, line 3. • If a loss, you must go to line 32.	31	(322)
32 If you have a loss, check the box that describes your investment in this activity (see page C-6). • If you checked 32a, enter the loss on Form 1040, line 12, and also on Schedule SE, line 2 (statutory employees, see page C-6). Estates and trusts, enter on Form 1041, line 3. • If you checked 32b, you must attach Form 6198.	32a <input checked="" type="checkbox"/> All investment is at risk. 32b <input type="checkbox"/> Some investment is not at risk.	

For Paperwork Reduction Act Notice, see Form 1040 instructions.

EEA

Schedule C (Form 1040) 2002

Name(s)

MICHAEL MINIER

SSN

469-94-2998

Part III Cost of Goods Sold (see page C-6)

33	Method(s) used to value closing inventory: a <input type="checkbox"/> Cost b <input type="checkbox"/> Lower of cost or market c <input type="checkbox"/> Other (attach explanation)	
34	Was there any change in determining quantities, costs, or valuations between opening and closing inventory? If "Yes," attach explanation	<input type="checkbox"/> Yes <input type="checkbox"/> No
35	Inventory at beginning of year. If different from last year's closing inventory, attach explanation	35
36	Purchases less cost of items withdrawn for personal use	36
37	Cost of labor. Do not include any amounts paid to yourself	37
38	Materials and supplies	38
39	Other costs:	39
40	Add lines 35 through 39	40
41	Inventory at end of year	41
42	Cost of goods sold. Subtract line 41 from line 40. Enter the result here and on page 1, line 4.	42

Part IV Information on Your Vehicle. Complete this part only if you are claiming car or truck expenses on line 10 and are not required to file Form 4562 for this business. See the instructions for line 13 on page C-4 to find out if you must file.

43	When did you place your vehicle in service for business purposes? (year, month, day) ▶ 2001-01-01
44	Of the total number of miles you drove your vehicle during 2002, enter the number of miles you used your vehicle for:
a	Business 21,288 b Commuting c Other
45	Do you (or your spouse) have another vehicle available for personal use? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
46	Was your vehicle available for personal use during off-duty hours? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
47 a	Do you have evidence to support your deduction? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
b	If "Yes," is the evidence written? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No

Part V Other Expenses. List below business expenses not included on lines 8-26 or line 30.

FUEL AND LUBE	10,122
PHONE	240
TRUCKING	19,755
PROTECTIVE GEAR	145
48 Total other expenses. Enter here and on page 1, line 27.	48 30,262

EEA

Schedule C (Form 1040) 2002

**UNITED STATES BANKRUPTCY COURT
DISTRICT OF MINNESOTA**

In re:

James Michael Minier, a/k/a Mike Minier
and Dottie Lynn Minier, f/k/a Dottie Hensel

Debtors.

Chapter 7

BK 03-51242 GFK

Habbot G. Fokkena, United States Trustee,

Plaintiff,

James Michael Minier, and
Dottie Lynn Minier,

CERTIFICATE OF SERVICE

Defendants.

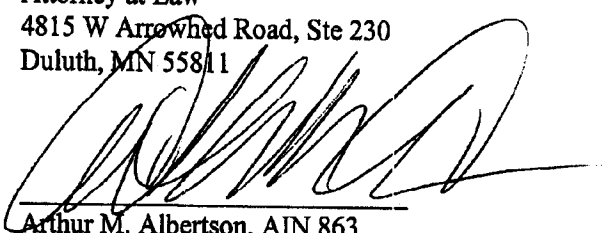
Adv. No. 04-5014

The undersigned hereby certifies under penalty of perjury that he is an attorney admitted to the state and federal bars of the State of Minnesota and is of sufficient age and discretion to serve papers.

That on April 8, 2004, he served copy of the Debtors' Answer and Response along with the Affidavit of Arthur M. Albertson with attachments thereto in the above named case by facsimile and by United States Mail by transmitting the same as well as placing a true copy of the same in a properly stamped envelop and deposited the same in the United States Mail in Duluth, Minnesota addressed to the following persons:

Sarah J. Wencil
Attorney at Law
300 S 4th St, 1015 Courthouse
Minneapolis, MN 55415

Robert R. Kanuit
Attorney at Law
4815 W Arrowhead Road, Ste 230
Duluth, MN 55811



Arthur M. Albertson, AIN 863
Attorney for Michael and Dottie Minier
101 West Second Street, Ste 107
Duluth, MN 55802

Dated: April 8, 2004

(218) 733-0660

Arthur M. Albertson

ATTORNEY AT LAW
101 WEST SECOND STREET
SUITE 100
DULUTH, MINNESOTA 55802

Phone (218) 733-0660
Fax (218) 733-0767

April 8, 2004

Clerk of Bankruptcy Court
Federal Courthouse
515 W. First Street
Duluth, MN 55802

RE: Bankruptcy Case No. 03-52242 Adv. No 04-5014
Debtor: Michael J. and Dottie L. Minier

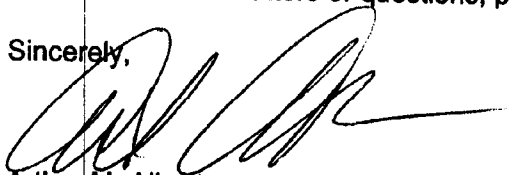
Dear Clerk of Bankruptcy Court:

Enclosed please find the debtors's Answer in the above matter together with the following amended Schedules/etc for filing in the above matter together with a certificate of service upon the Trustee for Creditors and the U.S. Trustee.

Schedule A - Real Property
Schedule D - Secured Creditors
Schedule G - Exec. Contracts/Leases
IRS Tax Return Schedule C for 2001 & 2002 in support of business income/expense

If there are other matters or questions, please feel free to call me.

Sincerely,



Arthur M. Albertson
AMA/hd
Enc.

E:\FILES\0_CLIENTS\M PVT\MINIER, MIKE & DOT\TRANSMITTAL.wpd